

SEP 11 2007

# FACSIMILE COVER SHEET

Deliver to: Joseph G. Ustaris, USPTO Art Group: 2623  
Facsimile No.: (571) 273-8300 Date: September 11, 2007  
From: Eric T. King, Reg. No. 44,188  
Our Docket No.: K35A0807 / 5575.P004 Number of pages 14 including this sheet.  
Application No.: 09/872,197 Filing Date: 5/31/2001  
Docket Due Date(s): 9/11/2007

**Enclosed are the following documents:**

- ☒ Amendment: \_\_\_\_\_ Response \_\_\_\_\_ ( 10 pgs)  
☐ Appeal Brief ( \_\_\_\_\_ pgs)  
☐ Application: \_\_\_\_\_  
                     ( \_\_\_\_\_ pgs) w/cover & abstract  
☐ Assignment & Cover Sheet ( \_\_\_\_\_ pgs)  
☒ Certificate of Facsimile \_\_\_\_\_  
☐ Continued Prosecution Application (CPA)  
☐ Declaration & POA ( \_\_\_\_\_ pgs)  
☐ Drawings: \_\_\_\_\_ sheets, \_\_\_\_\_ figures  
☐ Extension of Time: \_\_\_\_\_  
☒ Fee Transmittal (in duplicate)  
☐ IDS & PTO/SB/08 ( \_\_\_\_\_ pgs)  
☐ Other: \_\_\_\_\_
- ☐ Issue Fee Transmittal  
☐ Notice of Appeal (In duplicate)  
☐ Petition for: \_\_\_\_\_  
☐ Request for Continued Examination (RCE)  
☐ Reply Brief ( \_\_\_\_\_ pgs)  
☐ Request & Certification Under 35 USC 122(b)(2)(B)(I)  
☐ Request to Rescind Previous Nonpublication Request  
☐ Response to Notice of Missing Parts & Formalities Letter  
☐ Response to Written Opinion ( \_\_\_\_\_ pgs)  
☐ Terminal Disclaimer  
☐ Transmittal of Publication Fee Due  
☒ Transmittal Letter

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**Tu T. Nguyen**

**9/11/2007**

Date \_\_\_\_\_

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application No.	09/872,197
		Filing Date	May 31, 2001
		First Named Inventor	L. Jeffrey Kapner, III
		Art Unit	2623
		Examiner Name	Joseph G. Ustaris
Total Number of Pages in This Submission	13	Attorney Docket Number	K35A0807

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; height: 60px; width: 100%;"></div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Eric T. King, Reg. No. 44,188 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	September 11, 2007

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Signature		Date	September 11, 2007

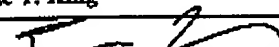
Based on PTO/SB/21 (08-04) as modified by Blakely, Sokoloff, Taylor & Zafman (ndc) 10/12/2006.  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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<b>FEE TRANSMITTAL for FY 2006</b> <small>Patent fees are subject to annual revision.</small>		Complete if Known	
		Application Number	09/872,197
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Filing Date	May 31, 2001
		First Named Inventor	L. Jeffrey Kapner, III
		Examiner Name	Joseph G. Ustaris
		Art Unit	2623
		Attorney Docket No.	K35A0807
TOTAL AMOUNT OF PAYMENT		(\\$)	

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>02-2666</u> Deposit Account Name: <u>Blakely, Sokoloff, Taylor &amp; Zafman LLP</u>	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. <input checked="" type="checkbox"/> Credit any overpayments	

FEE CALCULATION					
Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	610	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1808	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) _____					
SUBTOTAL (2)					(\\$)

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Eric T. King	Registration No. (Attorney/Agent)	44,188
Signature		Telephone	(714) 557-3800
		Date	09/11/07

Based on PTO/SPB17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (w/1) 12/15/2004.  
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SEP 11 2007

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		Application Number	09/872,197
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Filing Date	May 31, 2001
		First Named Inventor	L. Jeffrey Kapner, III
		Examiner Name	Joseph G. Ustaris
		Art Unit	2623
TOTAL AMOUNT OF PAYMENT (\$)		Attorney Docket No.	K35A0807

METHOD OF PAYMENT (check all that apply)	
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<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>02-2666</u> Deposit Account Name: <u>Blakely, Sokoloff, Taylor &amp; Zafman LLP</u>	
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1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) _____					
SUBTOTAL (2) (\$)					

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Eric T. King	Registration No. (Attorney/Agent)	44,188
Signature		Telephone	(714) 557-3800
		Date	09/11/07

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wtr) 12/15/2004.  
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Appl. No. 09/872,197  
Amdt. Dated September 11, 2007  
Reply to Office Action of June 11, 2007

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 09/872,197  
Applicant : L. Jeffrey Kapner III  
Filed : 5/31/2001  
TC/A.U. : 2623  
Examiner : Joseph G. Ustaris

Confirmation No. 1905

Docket No. : K35A0807  
Customer No. : 8791

Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450

**AMENDMENT**

Sir:

In response to the Office Action of June 11, 2007, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 6 of this paper.